

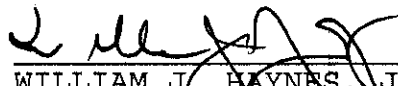


loss of hearing. Nor has the Plaintiff alleged the deprivation of a constitutional right arising from the defendants' misconduct. Thus, the Plaintiff has failed to state a viable claim for § 1983 relief.

In any event, civil rights claims brought in Tennessee are subject to a one year statute of limitation. Merriweather v. City of Memphis, 107 F.3d 396, 398 (6<sup>th</sup> Cir.1997). The Plaintiff's cause of action arose when he realized that he had suffered a loss of hearing which, at the latest, would have been shortly after he left the employ of T.J. Electric in June, 2006. This action, therefore, was filed well beyond the expiration of the limitation period.

Plaintiff has failed to state a claim upon which relief can be granted. Under such circumstances, the Court is obliged to dismiss the complaint *sua sponte*. 28 U.S.C. § 1915(e)(2).

An appropriate order will be entered.

  
\_\_\_\_\_  
WILLIAM J. HAYNES, JR.  
United States District Judge  
4-8-09